

JOEL H. SIEGAL, ESQ. [SBN: 117044]
SIEGAL & RICHARDSON, LLP
235 Montgomery Street, Suite 1060
San Francisco, California 94104
Telephone: 415.777.5547
Facsimile: 415.777.5247
Email: joelsiegal@yahoo.com

Attorney for Relators

Kay Fitz-Patrick (SBN 252977)
fitzpatrickk@ballardspahr.com
BALLARD SPAHR LLP
2029 Century Park East, Suite 800
Los Angeles, CA 90067-2909
Telephone: 424.204.4400
Facsimile: 424.204.4350
Email: fitzpatrickk@ballardspahr.com

Attorney for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA, ex rel.
VICKI SWARTZELL and JOHN DOE

Plaintiffs,

v.

SINGULEX, INC.

Defendant.

Case No.: 16-5241 KAW

**JOINT STIPULATION FOR
EXTENSION OF TIME;
[PROPOSED] ORDER**

Pursuant to Rules 6(b) and 54(d) of the Federal Rules of Civil Procedure and the federal False Claims Act, 31 U.S.C. § 3730(d), the undersigned counsel for Relators and Singulex, Inc. ("Singulex") submit this Joint Stipulation for Extension of Time for Relators to file a motion for attorney's fees, expenses, and costs. The parties have reached a settlement regarding Relators' claim for attorney's fees, expenses and costs, but still need to execute a formal, written agreement. In support hereof, Relators and Singulex state as follows:

WHEREAS, on September 13, 2016, Relators filed a *qui tam* action against Singulex in this District for violations of the False Claims Act, 31 U.S.C. § 3730(b) (Dkt. 1). Relators subsequently filed an Amended Complaint on May 22, 2017, (Dkt. 5), and a Second Amended Complaint on June 21, 2018, (Dkt. 15).

WHEREAS, on August 22, 2018, the United States filed a Notice of Intervention for Purposes of Settlement advising the Court that the United States, Relators and Defendant had reached a settlement of the action. (Dkt. 17).

WHEREAS, on September 14, 2018, the United States filed a Joint Stipulation of Voluntary Dismissal requesting that the Court enter an Order, *inter alia*, as to Relators, dismissing all claims against Singulex with prejudice "except that Relators have specifically reserved and do not release Defendant from any claims for expenses, costs, and attorney's fees under 31 U.S.C. § 3730(d)." (Dkt. 18).

WHEREAS, on September 18, 2018, the Court entered such an Order. (Dkt. 19).

WHEREAS, under Rule 54(b), Relators' counsel's motion for attorney's fees was due on October 2, 2018.

WHEREAS, on October 3, 2018, the Court entered the parties' Stipulation requesting an extension of time for filing Relators' motion for attorney's fees, expenses and costs, if necessary, until October 16, 2018. (Dkt. 21).

WHEREAS, Relators' counsel and Singulex's counsel have been engaged in negotiations regarding Relators' claim for attorney's fees and reached an agreement on October 12, 2018. The parties now need an additional thirty (30) days to finalize and execute a formal written agreement.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, subject to approval of the Court, that the time for filing Relators' motion for attorney's fees, expenses, and costs, if necessary, is extended until November 15, 2018.

IT IS SO STIPULATED.

Dated: October 16, 2018

Siegal & Richardson, LLP

s/ Joel H. Siegal

Joel H. Siegal
Attorney for Relators

IT IS SO STIPULATED.

Dated: October 16, 2018

Ballard Spahr LLP

s/ Kay Fitz-Patrick


Kay Fitz-Patrick
Attorney for Defendant
Singulex, Inc

~~PROPOSED~~ ORDER

Good cause shown, and based upon the Joint Stipulation, the requested extension of time is granted.

IT IS SO ORDERED,

This 25 day of October, 2018


HON. KANDIS A. WESTMORE
United States Magistrate Judge